



STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF HENNEPIN

FOURTH JUDICIAL DISTRICT

State of Minnesota, by the)
 Minnesota Pollution Control Agency,)
 and the City of St. Louis Park,)

Plaintiffs,)

vs.)

Reilly Tar & Chemical Corporation,)

Defendant.)

COMPLAINT

I

Plaintiff Minnesota Pollution Control Agency is an Agency of the State of Minnesota which is charged by Minnesota Statutes 1969 Chapters 115 and 116, with the duty to administer and enforce all laws and to promulgate, administer, and enforce all regulations adopted by it relating to pollution of water or air of the state, which laws and regulations have general application throughout the state.

II

Plaintiff City of St. Louis Park is a municipal corporation duly organized and existing under the laws of the State of Minnesota.

III

Defendant Reilly Tar & Chemical Company is a corporation established under the laws of the State of Indiana and registered to do business in the State of Minnesota.

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IV

Defendant Reilly Tar and Chemical Company is engaged in the business of distilling coal tar in order to produce creosote oil, and impregnating wood products with such creosote oil or creosote solutions in St. Louis Park, Minnesota.

V

Defendant, through the conduct of the aforesaid business activities, is presently, and has been in the past, polluting the air of the City of St. Louis Park and the State of Minnesota, in violation of law and administrative regulations, including, but not limited to Air Pollution Control Regulation 9 (APC 9) and City of St. Louis Park Air Pollution Ordinance No. 1034, both of which forbid the emission of odorous matter such as to cause an objectionable odor.

VI

Defendant is now causing, and has caused in the past, emission of air contaminants that are obnoxious, offensive and injurious to human health, welfare, comfort, and property. These acts of defendant are without right, power or authority, and are a public nuisance.

VII

Defendant, through the conduct of the aforesaid business activities, is presently, and has been in the past, polluting the waters of the State of Minnesota in violation of law and administrative regulations, including, but not limited to Water Pollution Control Regulation 4 (WPC 4), which, among other things, prohibits persons from storing or keeping substances or allowing them to remain upon any site without reasonable safeguards adequate to prevent the escape or movement of the substance or a solution thereof

from the site under any conditions of failure of the storage facility whereby pollution of any waters of the State might result therefrom, and which provision requires the owner of such stored substances or other person responsible therefor to obtain from plaintiff Minnesota Pollution Control Agency a permit for the use of the site for the storage of liquid substances as provided in WPC 4.

VIII

Defendant, through the conduct of the aforesaid business activities, is presently, and has been in the past, polluting the waters of the State of Minnesota in violation of law and administrative regulations, including, but not limited to Water Pollution Control Regulation 14 (WPC 14), which, among other things, prohibits the discharge of raw or treated sewage, industrial waste or other wastes into any intrastate waters of the state so as to cause any nuisance conditions or other offensive or harmful effects. Said WPC 14, among other things, also requires existing discharges of inadequately treated sewage, industrial waste or wastes to be abated, treated or controlled so as to comply with the applicable standards.

IX

Defendant, through the conduct of the aforesaid business activities, is presently, and has been in the past, polluting the waters of the State of Minnesota in violation of law and administrative regulations, including, but not limited to Water Pollution Control Regulation 23 (WPC 23), which, among other things, prohibits the discharge of sewage, industrial waste or other waste effluents to the intrastate waters of the State without providing such treatment or control as may be necessary to achieve compliance with the applicable limiting permissible concentrations of quality and purity stated therein.

X

Defendant, through the conduct of the aforesaid business activities, is presently, and has been in the past, polluting the waters of the State of Minnesota in violation of law and administrative regulations, by, among other things, failing to apply for and obtain necessary permits relating to such water pollution control equipment as it may presently operate.

XI

Minnesota Statutes 1969, Section 116.08, Subdivision 2, authorizes Plaintiff Agency to enforce Minnesota Statutes 1969, Section 116.01 to 116.09 and air pollution control regulations and standards promulgated pursuant thereto by injunction. Minnesota Statutes 1969, Section 115.47, Subdivision 1, authorizes plaintiff Agency to enforce Minnesota Statutes 1969, Sections 115.01 to 115.09 and water pollution control regulation and standards promulgated pursuant thereto by injunction.

XII

Unless restrained and enjoined, defendant will continue to emit air and water contaminants from their premises that are obnoxious, offensive to human health, welfare, comfort and property and which are a public nuisance. Plaintiffs have no plain, speedy, or adequate remedy at law.

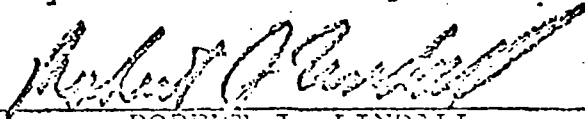
WHEREFORE, plaintiffs seek an Order of this Court temporarily and permanently enjoining defendant from any further pollution of the air and waters of the State of Minnesota in violation of law

and administrative regulations, and for such additional relief as
the Court may deem appropriate.

Dated October 2, 1970.

DOUGLAS M. HEAD
Attorney General

By

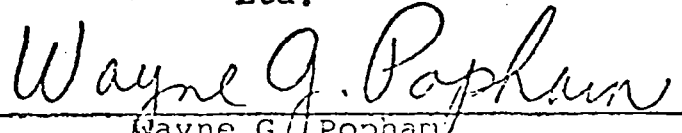

ROBERT J. LINDALL

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Ltd.

By


Wayne G. Popham

900 Farmers & Mechanics Bank Building
Minneapolis, Minnesota 55402 335-9331

Attorneys for City of St. Louis Park

STATE OF MINNESOTA)

SS

COUNTY OF HENNEPIN)

Russell L. Doty, being duly sworn, hereby deposes

That in the City of St. Louis Park, Hennepin County,

state of Minnesota, on the 26th day of November, 1971, he served

the attached Order of the Hennepin County District Court Judge

Edward J. Parker, upon Herbert Finch, the managing agent of the

Reilly Tar and Chemical Company for the company's plant located

in the City of St. Louis Park, by handing to and leaving with:

him, personally, a true and correct copy thereof.

Russell 12th

Russell L. Doty

Approved for Release by NSA on 09-08-2013 pursuant to E.O. 13526

Subscribed and sworn to

before me on this 26th day

of November, 1971.

Notary Public

U.S. POLICE

Notary Public, Hennepin County, Minn.

My Commission Expires Oct. 31, 1976

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Mpls

STATE OF MINNESOTA)
COUNTY OF HENNEPIN) ss.

Eldon G. Kaul, being first duly sworn, deposes and says:

That on the 2nd day of October, 1970, at St. Louis Park
County of Hennepin, State of Minnesota, he served the within summons
and complaint upon within-named defendant, the Reilly Tar and
Chemical Corporation, an Indiana Corporation licensed to do business
in the State of Minnesota, by personally delivering and leaving
with Herbert L. Finch at
7200 Walker St. a copy of said
summons and complaint; that affiant knew the said Herbert L.
Finch to be the Plant Manager
of the said defendant Corporation, Reilly Tar and Chemical Corpora-
tion, mentioned and described in the said summons, as the defendant
in the above-entitled action.

Eldon G. Kaul

Subscribed and sworn to before
me this ____ day of October, 1970.

Notary Public

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STATE OF MINNESOTA
COUNTY OF HENNEPIN

DISTRICT COURT
FOURTH JUDICIAL DISTRICT

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SUMMONS

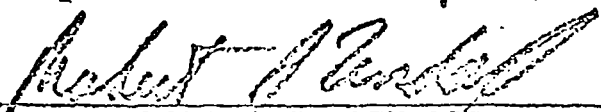
THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT:

You are hereby summoned and required to serve upon plaintiffs' attorney an answer to the complaint which is hereby served upon you, within twenty (20) days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

Dated October 2, 1970.

DOUGLAS M. HEAD
Attorney General

By



ROBERT J. LINDALL
Special Assistant Attorney General

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